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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

XIAO DONG SUN,

Plaintiff,

v.

ERIC H. HOLDER, Attorney General of the
 United States; JANET NAPOLITANO, Secretary
 of the Department of Homeland Security;
 MICHAEL AYLES, Acting Deputy Director,
 U.S. Citizenship and Immigration Services;
 ROBIN BARRETT, San Francisco Field Office
 Director, U.S. Citizenship and Immigration
 Services; ROBERT S. MUELLER, III, Director
 of Federal Bureau of Investigation,

Defendants.

No. C 09-3402 SC

**STIPULATION TO DISMISS; AND
~~PROPOSED~~ ORDER**

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Stipulation to Dismiss
 C 09-3402 SC

1 Plaintiff, by and through his attorneys of record, and Defendants, by and through their
2 attorneys of record, hereby stipulate, subject to the approval of the Court, to dismissal of the
3 above-entitled action without prejudice in light of the fact that the United States Citizenship and
4 Immigration Services is now prepared to adjudicate Plaintiff's application for naturalization and
5 agrees to do so within 30 days of the dismissal of this action. See 8 U.S.C. § 1447(b).

6 Each of the parties shall bear their own costs and fees.

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8 Dated: September 4, 2009

Respectfully submitted,

9 JOSEPH P. RUSSONIELLO
10 United States Attorney

11 /s/
12 ILA C. DEISS¹
13 Assistant United States Attorney
14 Attorneys for Defendants

15 Date: September 4, 2009

16 /s/
17 ELIZA XUAN WANG
18 Attorney for Plaintiff

19 **ORDER**

20 Pursuant to stipulation, IT IS SO ORDERED.

21 Date: 9/10/09



27 ¹ I, Ila Deiss, hereby attest that I have on file all holograph signatures for any signatures
28 indicated by a "conformed" signature (/S/) within this e-filed document.